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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,157	09/21/2006	Zoo Il Yang	P2984US00	5108

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EXAMINER
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VU, BAI D

ART UNIT	PAPER NUMBER
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2165

NOTIFICATION DATE	DELIVERY MODE
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05/25/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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PATENT@PARK-LAW.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,157	<b>Applicant(s)</b> YANG, ZOO IL	
	<b>Examiner</b> Bai D. Vu	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10-2004-0020744 (Korea).
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/21/06;1/6/09</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The instant application having Application No. 10/599,157 filed on 9/21/2006 is presented for examination by the examiner. Claims 1-24 are pending in this office action.

#### ***Oath Declaration***

2. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

#### ***Drawings***

3. The applicant's drawings are acceptable for examination purpose.

#### ***Priority***

4. As required by M.P.E.P. 201.14(c), acknowledgement is made of applicant's claim for priority based on the Korean Patent Application No. 10-2004-0020744 filed on 3/26/2004.

***Information Disclosure Statement***

2. As required by M.P.E.P. 609, the applicant's submissions of the Information Disclosure Statements dated 9/21/2006 and 1/6/2009 are acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending

**Examiner Notes**

3. With respect to **claims 1, 11, 21 and 22** which are method claims, the examiner notes that the claimed functions must, inherently, require a computer processor as taken in view of Figure 3 and page 8 lines 1-2 in the instant specification. Therefore, the methods of claims 1-15 and 21-24 are statutory under 35 U.S.C. § 101.

***Objections***

4. The **Abstract** of the disclosure is objected to because it should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

5. Claim 9 is objected to because of the following informalities:

In claim 9 line 2, the phrase "community visitor" should be written as "user".

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claims 16-20** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 16 is system claim. Based on the phrase applicant uses to intend a system to refer to a software component as taken in view of page 2 lines 16-18 in the amended instant specification. Therefore, the claim is rejected under 35 U.S.C. 101 as directed to non-statutory subject matter of software *per se*.

As such, claims 17-20 are rejected as incorporating the deficiencies of claim 16 upon they depend.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-16, 18-20, 23 and 24** are rejected under 35 U.S.C. 102(b) as being anticipated by Harvey et al. (US Pub. No. 2002/0059379 A1).

As per **claim 1**, Harvey et al. discloses **a method for processing data in a community established on a website, the method comprising:**

**a) receiving a signal from a user who accesses the community and selects a link provided by the community, wherein the link connects the user to a link program;** as (see e.g., ¶ 0127 lines 18-28, ¶ 0128 lines 1-10 ¶ 0136 lines 1-5; and Figs. 7 and 8A-2; as user clicks a link (e.g., an application of executable file for the application referred as the link program) to participate in a game play community).

**b) confirming whether the user executes or terminates the link program;** as (see e.g., ¶ 0138 lines 1-13; as game is terminated based on player actions, time limitations or other predetermined criteria for game termination).

**c) receiving visitor-related data related to the execution of the link program when the link program is terminated; and** as (see e.g., ¶ 0138 lines 7-13; as determining scores of the game played).

**d) processing and utilizing the visitor-related data in the community** as (see e.g., ¶¶ 0139 – 0140; as amount of virtual value for a game is determined and accounted based on the score or gain/loss from the game played).

As per **claim 2**, Harvey et al. discloses **the method of claim 1, further comprising: e) storing the processed visitor-related data in the community** as (see e.g., ¶ 0126 lines 1-22 and ¶ 0140; as the virtual value is updated in the player's

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account which is set up as a member of a community, wherein updating the value referred as storing).

As per **claim 3**, Harvey et al. discloses **the method of claim 1, wherein the community comprises a cafe, homepage, blog, mini-room, or mini-homepage, which are established in web sites on the Internet** as (see e.g., ¶¶ 0136 and 0147; as community website of people with similar interests).

As per **claim 4**, Harvey et al. discloses **the method of claim 1, wherein the link program is a program stored in other websites and linked from the website which provides the user with the community user interface** as (see e.g., ¶ 0057; as links to World Wide Web pages (e.g., websites); and ¶ 0136 lines 1-12; and Fig. 4; as a user interface for users in a community to select hyperlinks to games or download games from website).

As per **claim 5**, Harvey et al. discloses **the method of claim 1, wherein the link program is a program stored in connected to a contents server of the website to which the community belongs and linked from the website which provides the user with the community user interface** as (see e.g., ¶ 0136 lines 1-12; and Fig. 4; as a user interface for users in a community to select hyperlinks to games or download games from website or central controller module 115).

As per **claim 6**, Harvey et al. discloses **the method of claim 4, wherein the link program is a game program** as (see e.g., ¶ 0136 lines 1-12; as a user interface for users in a community to select hyperlinks to games).

As per **claim 7**, Harvey et al. discloses **the method of claim 6, wherein the visitor-related data are game or community use data** as (see e.g., ¶ 0139; as amount of virtual value for a game is determined and accounted based on the score or gain/loss from the game played).

As per **claim 8**, Harvey et al. discloses **the method of claim 1, wherein the visitor-related data are at least one selected from a group consisting of item, level, score, and rank data obtained when the link program is executed and used** as (see e.g., ¶ 0139; as amount of virtual value for a game is determined and accounted based on the score or gain/loss from the game played).

As per **claim 9**, Harvey et al. discloses **the method of claim 1, wherein the stored visitor-related data are updated whenever the community visitor executes and uses the link program** as (see e.g., ¶ 0140; as the amount of virtual value is updated in the player's account).

As per **claim 10**, Harvey et al. discloses **the method of claim 1, wherein the user acquires events for the execution of the link program** as (see e.g., ¶ 0057



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lines 1-11; as link to events leading up to and occurring in the America's Cup.TM. sailing races).

As per **claim 11**, Harvey et al. discloses **a method for processing data in a community established on a website, the method comprising:**

**a) by a community visitor, accessing the community and selecting a link program prepared in the community;** as (see e.g., ¶ 0127 lines 18-28, ¶ 0128 lines 1-10 ¶ 0136 lines 1-5; and Figs. 7 and 8A-2; as user clicks a link (e.g., an application of executable file for the application referred as the link program) to participate in a game play community)

**b) receiving visitor-related data related to execution of the link program;** as (see e.g., ¶ 0138 lines 1-13; as determining scores of the game played).

**c) processing and utilizing the visitor-related data in the community; and** as (see e.g., ¶¶ 0139 – 0140; as amount of virtual value for a game is determined and accounted based on the score or gain/loss from the game played).

**d) storing the processed visitor-related data in the community** as (see e.g., ¶ 0126 lines 1-22 and ¶ 0140; as the virtual value is updated in the player's account which is set up as a member of a community, wherein updating the value referred as storing).

As per **claim 12**, Harvey et al. discloses **the method of claim 11, wherein the community comprises a cafe, homepage, blog, mini-room, or mini-homepage,**

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**which are established in web sites on the Internet** as (see e.g., ¶¶ 0136 and 0147; as community website of people with similar interests).

As per **claim 13**, Harvey et al. discloses **the method of claim 11, wherein the link program is a program connected to a contents server of the website to which the community belongs or a program connected to other websites** as (see e.g., ¶ 0136 lines 1-12; and Fig. 4; as a user interface for users in a community to select hyperlinks to games or download games from website or central controller module 115).

As per **claim 14**, Harvey et al. discloses **the method of claim 13, wherein the contents server causes the link program to be executed on a web browser of the community** as (see e.g., ¶ 0147 lines 1-5; as using browsers to access to a community with central controller 805).

As per **claim 15**, Harvey et al. discloses **the method of claim 13, wherein the link program is a flash game program** as (see e.g., ¶ 0136 lines 1-12; and Fig. 4; as users in a community select hyperlinks to games or download games from website or central controller module 115 in which the users wish to participate).

As per **claim 16**, Harvey et al. discloses **a system for processing data in a community established on a website, comprising:**

**a connector for determining whether a community visitor is permitted to access the community;** as (see e.g., ¶ 0130 lines 1-12; as the user may or may not be permitted to proceed (e.g., or join a community)).

**a controller, the controller allowing the community visitor to access the community to select a link to a link program, provided by the community, the controller receiving visitor-related data from a component providing the link program;** as (see e.g., ¶ 0127 lines 18-28, ¶ 0128 lines 1-10 ¶ 0136 lines 1-5; and Figs. 7 and 8A-2; as user clicks a link (e.g., an application of executable file for the application referred as the link program) to participate in a game play community).

**a data processor for processing the visitor-related data such that the visitor-related data are utilized in the community; and** as (see e.g., ¶ 0138 lines 7-13; as determining scores of the game played); and (see e.g., ¶¶ 0139 – 0140; as amount of virtual value for a game is determined and accounted based on the score or gain/loss from the game played)).

**a data storage for storing the processed visitor-related data** as (see e.g., ¶ 0126 lines 1-22 and ¶ 0140; and Fig. 1; as the virtual value is updated in the player's account which is set up as a member of a community in data storage 160, wherein updating the value referred as storing).

As per **claim 18**, Harvey et al. discloses **the system of claim 16, wherein the link program is a program stored in a contents server of the website to which the community belongs or a program stored in other websites than the website to**

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**which the community belongs** as (see e.g., ¶ 0057; as links to World Wide Web pages (e.g., websites); and ¶ 0136 lines 1-12; and Fig. 4; as a user interface for users in a community to select hyperlinks to games or download games from website).

As per **claim 19**, Harvey et al. discloses **the system of claim 16, wherein the contents server causes the link program to be executed on a web browser of the community** as (see e.g., ¶ 0147 lines 1-5; as using browsers to access to a community with central controller 805).

As per **claim 20**, Harvey et al. discloses **the system of claim 16, wherein the community comprises a cafe, homepage, blog, mini-room, or mini-homepage, which are established in web sites on the Internet** as (see e.g., ¶¶ 0136 and 0147; as community website of people with similar interests).

As per **claim 23**, Harvey et al. discloses **the method of claim 5, wherein the link program is a game program** as (see e.g., ¶ 0136 lines 1-12; as a user interface for users in a community to select hyperlinks to games).

As per **claim 24**, Harvey et al. discloses **the method of claim 23, wherein the visitor-related data are game or community use data** as (see e.g., ¶ 0139; as amount of virtual value for a game is determined and accounted based on the score or gain/loss from the game played).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claim 17** is rejected under 35 U.S.C. 103(a) as being anticipated by Harvey et al., and further in view of Lambright et al. (US Pat. No. 6,015,348).

As per **claim 17**, Harvey et al. does not explicitly disclose **the system of claim 16, wherein the controller keeps a resource occupation ratio of a system operated by the community at an appropriate level such that the resource occupation ratio does not exceed a prescribed rate.**

However, Lambright discloses the claimed limitation as (see e.g., Abstract). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Harvey et al. and Lambright et al. in order to maintain responsive game performance.

12. **Claims 21 and 22** are rejected under 35 U.S.C. 103(a) as being anticipated by Harvey et al., and further in view of Sparks, II (US Pat. No. 6,352,479 B1) (hereinafter "Sparks").

As per **claim 21**, Harvey et al. discloses **a method for processing game-linked data in a community established on a website, the method comprising:**

**a) by a community visitor, accessing the community and selecting a game program prepared in the community;** as (see e.g., ¶ 0127 lines 18-28, ¶ 0128 lines 1-10 ¶ 0136 lines 1-5; and Figs. 7 and 8A-2; as user clicks a link (e.g., an application of executable file for the application referred as the link program) to participate in a game play community).

**b) confirming whether the community visitor executes or terminates the game program;** as (see e.g., ¶ 0138 lines 7-13; as game is terminated based on player actions, time limitations or other predetermined criteria for game termination).

**c) receiving game data of the visitor obtained in connection with the execution of the game program when the game program is terminated;** as (see e.g., ¶ 0138 lines 1-13; as determining scores of the game played).

**d) processing the game data of the visitor as ranking data in the community; and** as (see e.g., ¶¶ 0139 – 0140; as amount of virtual value for a game is determined and accounted based on the score or gain/loss from the game played; but may not be specific to the feature of processing the game data as ranking data).

**e) storing the processed ranking data in the community** as (see e.g., ¶ 0126 lines 1-22 and ¶ 0140; as the virtual value is updated in the player's account which is set up as a member of a community, wherein updating the value referred as storing; but may not be specific to the feature of storing ranking data).

However, Sparks discloses the features of:

processing the game data as ranking the data as generating the game player statistic for each player during and/or after game play (see e.g., Abstract and col. 1 lines 60-63), and ranking based on the player 's statistic (see e.g., col. 3 lines 56-66).

storing ranking data as uploading and storing the statistic file included ranked data in the hard disk drive of the server (see e.g., col. 1 lines 63-65; and col. 3 line 56 to col. 4 line 3).

It would have been obvious to one of ordinary skill in the art at the time of invention to apply Sparks teaching of screening the players by means of personal game statistics into Harvey et al. system in order to determine from the game play statistics the user's relative skill level for each one of the possible games to which the player could be matched. This determination is made by comparing the user's relative successes during previous attempts at playing each game (Sparks, col. 6 lines 47-51).

As per **claim 22**, Harvey et al. discloses **a method for processing game-linked data in a community established on a website, the method comprising:**

**a) by a community visitor, accessing the community and selecting a game program prepared in the community;** as (see e.g., ¶ 0127 lines 18-28, ¶ 0128 lines 1-10 ¶ 0136 lines 1-5; and Figs. 7 and 8A-2; as user clicks a link (e.g., an application of executable file for the application referred as the link program) to participate in a game play community).

**b) confirming whether the community visitor executes or terminates the game program;** as (see e.g., ¶ 0138 lines 7-13; as game is terminated based on player actions, time limitations or other predetermined criteria for game termination).

**c) receiving game data of the visitor obtained in connection with the execution of the game program when the game program is terminated;** as (see e.g., ¶ 0138 lines 1-13; as determining scores of the game played).

**d) processing the game data of the visitor as ranking data in the community;** as (see e.g., ¶¶ 0139 – 0140; as amount of virtual value for a game is



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determined and accounted based on the score or gain/loss from the game played; but may not be specific to the feature of processing the game data as ranking data).

**e) storing the processed ranking data in the community; and** as (see e.g., ¶ 0126 lines 1-22 and ¶ 0140; as the virtual value is updated in the player's account which is set up as a member of a community, wherein updating the value referred as storing; but may not be specific to the feature of storing ranking data).

**f) updating the ranking data by repeating the steps b) to d) whenever the visitor executes and uses the game program** as (see e.g., ¶ 0126 lines 1-22 and ¶ 0140; as the virtual value is updated in the player's account which is set up as a member of a community; but may not be specific to the feature of updating ranking data).

However, Sparks discloses the features of:

processing the game data as ranking the data as generating the game player statistic for each player during and/or after game play (see e.g., Abstract and col. 1 lines 60-63), and ranking based on the player's statistic (see e.g., col. 3 lines 56-66).

storing ranking data as uploading and storing the statistic file included ranked data in the hard disk drive of the server (see e.g., col. 1 lines 63-65; and col. 3 line 56 to col. 4 line 3).

updating the ranking data as periodically uploading and storing the statistic file included ranked data in the hard disk drive of the server (see e.g., Abstract lines 6-9; col. 1 lines 60-65; and col. 3 line 56 to col. 4 line 3).

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It would have been obvious to one of ordinary skill in the art at the time of invention to apply Sparks teaching of screening the players by means of personal game statistics into Harvey et al. system in order to determine from the game play statistics the user's relative skill level for each one of the possible games to which the player could be matched. This determination is made by comparing the user's relative successes during previous attempts at playing each game (Sparks, col. 6 lines 47-51).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kirmse et al. 2002/0086732 A1

### ***Contact Information***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bai D. Vu whose telephone number is 571-270-1751.

The examiner can normally be reached on Mon - Fri 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached on 571-272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bai D. Vu/  
Examiner, Art Unit 2165  
5/18/2010